



## DECLARATION

UTILITY APPLICATION

DOCKET INFORMATION  
12969

As a below-named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first, and sole inventor (if only one name is listed below) or an original, first, and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled **POLYMERIC THICKENERS FOR OIL-CONTAINING COMPOSITIONS**, the specification of which

### CHECK ONE

- ☐ is attached hereto.  
☐ was filed on September 17, 1999 as  
Application Serial No. 09/398,377  
and was amended on \_\_\_\_\_  
(if applicable)

I have read the applicable statutes and rules reprinted on the attached page of this declaration which I understand to describe subject matter which is material under 37 C.F.R. § 1.56(a).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment(s) referred to above. I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, § 1.56(a). I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

Application Number	Country	Date of Filing	Priority Yes ✓	Claimed No ✓

I hereby claim the benefit under Title 35, United States § 119(e) of any United States provisional application(s) listed below.

Application Number	Date of Filing

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

Application Number	Date of Filing	Status - Patented, Pending, or Abandoned

Send Correspondence to: **SHELDON & MAK**  
 225 South Lake Avenue, Suite 900  
 Pasadena, California 91101

Direct Telephone Calls to:  
**Jeffrey G. Sheldon, Esq.**  
 (626) 796-4000

201	FULL NAME OF INVENTOR Steven	FIRST Name	Middle Initial(s) P.	LAST Name Bittler
	RESIDENCE & CITIZENSHIP Menlo Park	City	State or Foreign Country California	Country of Citizenship United States of America
	POST OFFICE ADDRESS 444 University Drive	Post Office Address	City Menlo Park	State or Country California Zip Code 94025

202	FULL NAME OF INVENTOR	FIRST Name	Middle Initial(s)	LAST Name
	RESIDENCE & CITIZENSHIP	City	State or Foreign Country	Country of Citizenship
	POST OFFICE ADDRESS	Post Office Address	City	State or Country Zip Code

203	FULL NAME OF INVENTOR	FIRST Name	Middle Initial(s)	LAST Name
	RESIDENCE & CITIZENSHIP	City	State or Foreign Country	Country of Citizenship
	POST OFFICE ADDRESS	Post Office Address	City	State or Country Zip Code

204	FULL NAME OF INVENTOR	FIRST Name	Middle Initial(s)	LAST Name
	RESIDENCE & CITIZENSHIP	City	State or Foreign Country	Country of Citizenship
	POST OFFICE ADDRESS	Post Office Address	City	State or Country Zip Code

205	FULL NAME OF INVENTOR	FIRST Name	Middle Initial(s)	LAST Name
	RESIDENCE & CITIZENSHIP	City	State or Foreign Country	Country of Citizenship
	POST OFFICE ADDRESS	Post Office Address	City	State or Country Zip Code

206	FULL NAME OF INVENTOR	FIRST Name	Middle Initial(s)	LAST Name
	RESIDENCE & CITIZENSHIP	City	State or Foreign Country	Country of Citizenship
	POST OFFICE ADDRESS	Post Office Address	City	State or Country Zip Code

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application of any patent issuing thereon.

Signature of Inventor  
 201 *Steven P. Bittler* Steven P. Bittler  
 Date *Dec. 14, 1999*

Signature of Inventor  
 204  
 Date

Signature of Inventor  
 202  
 Date

Signature of Inventor  
 205  
 Date

Signature of Inventor  
 203  
 Date

Signature of Inventor  
 206  
 Date

(Signatures should conform to names as presented at 201 et seq. above.)

Applicant or Patentee: Steven P. Bitler

Attorney Docket No. 12969

Serial or Patent No.: 09/398,377

Filed or Issued: September 17, 1999

For: POLYMERIC THICKENERS FOR OIL-CONTAINING COMPOSITIONS

VERIFIED STATEMENT [DECLARATION] CLAIMING SMALL ENTITY STATUS  
[37 C.F.R. §§ 1.9 (f) and 1.27 (c)] - SMALL BUSINESS CONCERN

I hereby declare that I am

☐ the owner of the small business concern identified below:

☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN: LANDEC CORPORATION

ADDRESS OF CONCERN: 3603 Haven Avenue

Menlo Park, California 94025

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 CFR § 121.3-18, and reproduced in 37 CFR § 1.9 (d), for purposes of paying reduced fees under §§ 41 (a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal years of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled **POLYMERIC THICKENERS FOR OIL-CONTAINING COMPOSITIONS** by inventor(s) **Steven P. Bitler** described in

☐ the specification filed herewith

☒ application Serial No. 09/398,377, Filed September 17, 1999

☐ Patent No. \_\_\_\_\_, Issued \_\_\_\_\_

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR § 1.9 (d) or by any concern which would not qualify as a small business concern under 37 CFR § 1.9 (d) or a nonprofit organization under 37 CFR § 1.9 (e).

**\*NOTE:** Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. [37 CFR § 1.27]

FULL NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

☐ Individual ☐ Small Business ☐ Nonprofit Organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. [37 CFR § 1.28(b)]

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING Ray F. Stewart

TITLE OF PERSON OTHER THAN OWNER Vice President

ADDRESS OF PERSON SIGNING 3603 Haven Avenue, Menlo Park, California 94025

DATE OF SIGNATURE 12-10-99

SIGNATURE Ray F. Stewart